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Community Accountability in Land Use Planning: Using Mitigation Strategies

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The background is a light blue gradient with several realistic water droplets of various sizes scattered across the surface. The droplets have highlights and shadows, giving them a three-dimensional appearance.

COMMUNITY ACCOUNTABILITY IN LAND USE PLANNING: USING MITIGATION STRATEGIES

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MITIGATION IN LAND USE POLICY

- **PREVENTION: STOP SOMETHING FROM HAPPENING**
 - Preventable events- examples
 - Floods = levees, retention basins, drainage systems
 - Urban Fires = smoke detectors, fire-resistant construction, public education
 - Wildland Interface Fires = camping safety, power line safety
 - Terrorism = law enforcement intel sharing; cameras, sensors



MITIGATION IN LAND USE POLICY

- **MITIGATION: WHEN PREVENTION IS NOT POSSIBLE, REDUCE THE IMPACT**

- **NOT PREVENTABLE EVENTS – EXAMPLE**

Earthquakes = building codes, location, land use regulation, early warning, pub ed

- Alquist priolo zone, CEQA geotech study, zoning

Floods = not in a flood plain, on beach

- What about sea level rise?

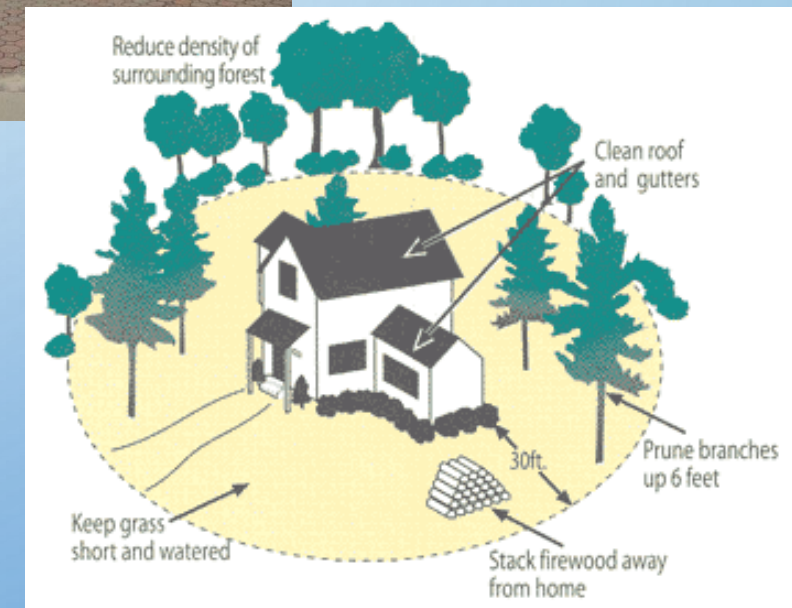
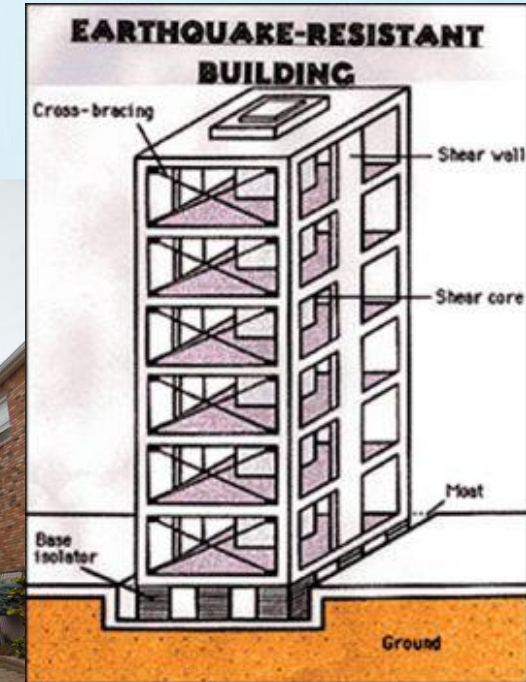
Hurricanes = building codes, location, land use regulation

- Off the beach, out of storm surge, elevate- what about sea level rise?

Landslides = location/ land use regulation

- 4% slope, CEQA geotech study

Lightening strikes in wildland = residential location, defensible space, pre-positioned fire equipment



MITIGATION IN LAND USE POLICY

- **MITIGATION STRATEGIES:**

- **Physical**

- levees, building codes, sensors/detectors, fire breaks, surveillance cameras, bomb detectors, radiation detectors, air sensors in public buildings, fences/ barriers, concealment of sensitive equipment

- **Economic mitigation**

- trailer parks as flood and tornado “magnets” – low lying, undesirable land uses

- **Financial mitigation – insurance**

- **Human mitigation – public education, vulnerable population plans**

- **Legal – liability avoidance through notification, e.g. URM; through building code enforcement; through zoning? Pressure for housing...**

- Is it a warranty for safety when you issue a certificate of zoning conformance, building permit? Is it a “taking” if you deny the permit? Refuse to change the zoning?
 - When is regulation a “taking” – eminent domain/5th Amendment? “total loss of economic use” *Lucas v. SCCC*
 - When is a proposed use a **nuisance to the community? Prevent future harm?**



MITIGATION IN LAND USE POLICY

- **Zoning – Euclidian, multi-use/ high density, transit-oriented, let's add “safety-oriented”**
 - Highest and best use is not always residential, may be conservation
 - Not in the wildland, not on the beach, not on the fault-but how close?
- **Site planning – topography: slope, cut and fill, filling natural features like wetlands, density**
- **Role of risk analysis- no unintended consequences**
 - USGS, NWS, National Hurricane Center, NFPA
 - Real estate disclosures



COMMUNITY ACCOUNTABILITY IN LAND USE POLICY



Resistance of land owners to mitigation regulations

- **IT ALL COMES DOWN TO MONEY**

Who **benefits** and who **pays**?

Land and building owners

Real estate interests

Tax payers – NFIP- “license to dare”?

First responders

Community members

**POLITICAL WILL FOR SAFETY ZONING=
COMMUNITY ACCOUNTABILITY**